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SPEECH

OF

HON. M. HOAGLAND, OF OHIO,

ON THE PROPOSITION

TO ADMIT CALIFORNIA AS A STATE INTO THE UNION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 5, 1850.

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## ADMISSION OF CALIFORNIA.

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In Committee of the Whole on the state of the Union, on the President's Message relating to California.

Mr. HOAGLAND said:

Mr. CHAIRMAN: It is not my purpose, on the present occasion, to enter into an elaborate discussion of the various questions presented for the consideration of the committee. Nor would I trouble the House with a single remark, but for the relation which I bear to my constituents, growing out of the common excitement pervading the public mind.

I deem it just to myself, therefore, that I should ask the indulgence of the committee while I briefly express the sentiments which I entertain on some of the propositions now under consideration. In presenting my views, I must beg the permission of the House to indulge in a few general remarks on the principles involved in the discussion, which has assumed so wide a range. These principles lie at the foundation of the difficulties that have embarrassed the proceedings of the House, and engendered all the unkind feelings and threatened violence in this body. Like a contagious disease, the excitement of this discussion has spread throughout the country, until it has become somewhat alarming in its ravages. Millions of our countrymen, from the banks of the St. Lawrence to the Rio Grande, have exhibited symptoms of its alarming character.

Mr. Chairman, the propositions before the committee are somewhat complicated in their details; presenting various distinct questions, to wit: the admission of California, the organization of territorial governments for the remaining portion of the newly-acquired territory on the Pacific; and the settlement of the boundary of Texas. None of which, in my humble judgment, are legitimately or necessarily connected. The honorable gentleman from Illinois, [Mr. McCLEARNAND,] however, has deemed it proper to so present these different subjects in one connected bill; presuming, as he doubtless did, that to do so would meet the approbation of the committee, and afford the basis for, and facilitate a speedy settlement of, the difficult

and embarrassing questions, about which so much has been said, and thereby to restore peace and harmony once more to our distracted country. That such was the object and desire of the gentleman, I feel assured; he entered upon his task without any design of seeking an advantage or compelling members to support them all or reject them all; but leaving it to the good sense of the committee to determine to what extent it shall go in blending these disconnected subjects together. While I beg leave to differ with that honorable gentleman, who has devoted so much of his time and attention in arranging these propositions, I fully appreciate his patriotic motives and his services in this effort to accomplish an object which would seem so desirable at this particular juncture. It is far from my desire, Mr. Chairman, in the remarks I am about to submit, to indulge in language that would in the least degree tend to widen the unfortunate breach, or add fresh fuel to the flames.

I stand here, not to represent the passions and excited feelings of men, but rights, political and constitutional. It is, perhaps, useless for me to add, that I am not one of the agitators. I have never been regarded or recognized as one of them; but, on the contrary, have here and elsewhere condemned their unhallowed designs and their impracticable pretensions.

I should, Mr. Chairman, have preferred seeing the propositions which are embraced in the honorable gentleman's bill, presented in another form. I dislike, sir, to embarrass one question by adding to it another less meritorious. It seems to me, sir, that this mode of legislating is well calculated to endanger, if not entirely defeat, what the people, in almost every direction, are so solicitous for—the admission of California.

Although I am pleased to witness the compromising spirit which prevails, and has manifested itself in these halls for some weeks past, yet I cannot, entertaining the views that I do, consistent with a sense of duty, favor the entire bill. I cannot support that portion of the bill which provides for the payment to the State of Texas ten millions of dollars, in consideration that she ac-



quiesce in, and accede to, certain other terms embraced in the honorable gentleman's proposition. If the title of the State of Texas to the territory described is predicated on a well-founded claim, such as can be recognized on equitable principles, why present it in this connection? I should prefer to see her rights adjudicated, and the question presented as a distinct one, and not have it depend on other contingencies. Owing to the peculiar relation which Texas has borne to the General Government, she has already afforded a theme for no inconsiderable degree of animadversion and party speculation from certain quarters; and if she now has claims, (and I will not say she has not,) let them be presented in the name of Texas, and not in the name of California. Let her demands be adjusted according to their merits, and not made to depend upon any other independent measure. Let her rights to the soil in dispute, and all things connected therewith, be acted upon without reference to the well-known and universally-acknowledged rights of the people of California. Let not the imperative demands of a people who should be clothed with sovereign powers, be baffled, prejudiced, or brought in collision with the unsettled demands of a sovereign State. I protest against such impediments being thrown in the way of rights that are so well defined, and so generally recognized.

It is useless, Mr. Chairman, to conceal or attempt to disguise the fact, that this ingenious and complicated mode of legislating is the legitimate offspring of the slavery controversy. It is one of the results produced by the continued and protracted excitement of that embarrassing and troublesome subject, which has divided this House, and for years disturbed the repose and quietude of the American people. Yes, sir, the feelings which have been aroused by the agitation of that question have brought forth this bill, and presented a variety of subjects, in the form in which we now find them before this body.

Mr. Chairman, the history of the slave institution has entered so largely into the debates on the subjects before the committee; and so much has been said, and better said, than anything I can presume to say, that I do not propose to discuss, at any length, the constitutionality of the subject; but will confine my remarks to a very few general points in the discussion. If the institution was one common to all the States, and the immediate result of the deliberate action of the present generation, I should not hesitate to say that the embarrassments which are now so generally and sensibly felt, and have been introduced in all the ramifications of legislation, would not exist. But, sir, it is not ours, and we should not claim it or adopt it. The institution of negro slavery, in this country, is one, however, violative of any humane creed, and, however much its existence may be regretted, is in nowise an American one. It had its origin under the colonial organization, and may be regarded as a relic, and perhaps almost the only one, of a monarchical system that existed when our independence was established by the founders of American liberty. They found it in several of the sovereign States—where slaves had been made property by British law—there they left it without even an attempt to interfere with or disturb it. This is evidenced by the subsequent action of the delegates in convention assembled, when certain

attributes of sovereignty were surrendered to a central government, and certain powers and rights reserved to the States and the people.

Mr. Chairman, in the formation of the Constitution, so deeply did those who framed it feel interested in the institution, and so fearful were they of giving to it the character of nationality, and thereby affording some future pretext for interfering with it, that they were very tenacious and guarded in the selection of language which, to my mind, indicates their intention and defines their true meaning. In the article introduced, providing for the surrender of runaway slaves, where it would seem the great interest involved, and the importance of the subject, would have served as a sufficient excuse or apology for the introduction and use of the strongest and most emphatic terms; they modified their language, and used the terms, "persons held to service," rather than give the slightest excuse, or afford the least apology for any subsequent interference with an institution which was clearly domestic and municipal in its character—belonging to particular localities or States. Sir, this may serve to prove, as does almost every other act of the men of that day, that slavery was no part, had no relation to, nor was in any manner connected with the Federal Government. Every step taken by them was carefully guarded, to prevent, if possible, any future generation assuming for it a national character, and therefore a pretext for interference with it. I beg leave here to call the attention of my southern friends to the unsoundness of the position some of them have assumed on this question. While they claim a constitutional right to establish slavery in the territories of this Confederacy, they are not willing to concede the right to prohibit its extension over the same territory. This, sir, presents an inconsistency which cannot be reconciled by sophistry, however subtle. Permit me to point out to them the danger which lies in advance, if the doctrine be sustained. If the power of Congress is to be exercised over the subject, does it not at once settle the constitutionality of the Wilmot proviso? Does it not even go further, and acknowledge the power to abolish slavery in territories where it exists by virtue of local laws, instead of merely preventing it from going into territories where it does not exist? I fear it would not stop here—it would be but the beginning of the end.

If the doctrine be correct, and is to be regarded as the constitutional law of the land, what would be its practical results? Or where would we seek for, or find a stopping place? If this Government is to take the institution of slavery in its keeping, and under its control, and it is to become a national one, I cannot conceive where we shall seek for the means of quieting the public mind short of its entire abolition. The crusade of the Abolitionists would be increased; while the South may claim the right to extend it, the North may seek its abolition and ultimate extinction. If public opinion is to prescribe, indicate, and define constitutional powers (as is claimed by some) and local rights, the people may become so well convinced of its federal character, and the power of Congress over the whole subject, and a majority of the Representatives partaking of the same sentiment, and controlled by a similar feeling, and believing that the institution does not reflect much credit on a Republic, may deem it expedient to get rid of it entirely.



The correctness of the position, however, I do not admit. I regard the power of Congress to legislate on this subject, to say the least of it, as exceedingly doubtful. To be sure, it exists in this District; but it is by virtue of and through the force of the laws of States, which, in their surrender of territory to the Federal Government, transmitted the institution with the transfer of the territory; and although Congress may technically possess the power to abolish it, yet to do so without the consent of the donating States, and especially the people of the District, who are directly interested in slaves, would not only be wrong in itself as a principle, but exceedingly mischievous in its practical tendencies. Doubting, then, as I do, that we have the power to legislate on the subject of slavery, or to do anything the direct or indirect tendency of which is to interfere with the local rights of the people of the territories, I feel it my duty to act accordingly. Whatever power we possess is derived from the citizens of all the States, and defined by the Constitution of the United States. The power to legislate on the subject of slavery is not conferred upon us by that instrument. Therefore, it is virtually denied. So I regard it. It has not merely a positive, but also a negative power. It not only grants certain powers, but expressly denies those not granted. As, for instance, it declares "that all the powers not delegated to the United States by the Constitution, nor prohibited by it, are reserved to the States respectively or the people." Our Government is a purely artificial one—possessing no abstract rights. It is made up of a few delegated and well-defined powers, and we should labor to confine it within the limits defined by its founders. It was established for definite purposes, which are specifically declared. It was designed to secure and consecrate the rights that were dearly bought—rights of whatever kind or wherever located, whether in the State of Maine or Georgia.

That it possesses no power to charter a bank for the West, under the pretence of regulating the currency, or a protective tariff for the North, under the specious pretext of protecting northern industry, or the power to establish slavery in New Mexico, under the still more dangerous doctrine of protecting southern rights, and preserving an equilibrium, I am fully convinced.

Sir, frequency of legislation upon a given subject, and long and continued acquiescence in principles involved therein, may afford the latitudinarian a favorable and convenient means of extending the powers of the Constitution of our country; but such a principle or system of legislation shall never receive my sanction or support. The American Constitution is the result of a long and arduous struggle, and its price should not be lessened, or its principles held the less inflexible, because of its frequent violation.

We labored long and faithfully to separate the Government from the monopoly and monied interests of the North, and ultimately succeeded—succeeded, too, mainly by the aid of southern statesmen, who would now claim for the slave interest, what they so manfully struggled against when the Bank of the United States, with all its hired minions, was in the field. That question was met by them at the threshold, in whatever garb it appeared, or under whatever name it as-

sumed, whether that of a fiscal agent or a national bank.

So much, Mr. Chairman, for my general views. I now propose to make a few remarks, and apply them to the practical question directly before the House. The admission of California is made to depend upon other questions, not directly or indirectly connected with the rights of the people thereof. This, I feel unwilling to sanction. I regard it, sir, as taking the first step in refusing to acknowledge the people of a territory as possessing the capacity and the right to govern themselves. It is striking at the very foundation and basis of the right of the inhabitants of a newly-settled country to form and give structure to their organic laws. It is departing from the well-settled and long-established policy and doctrines of the great and patriotic party to which I have and ever expect to belong. It is turning our backs upon the past and all its teachings, to abridge the most sacred rights of a people acknowledged by the civilized world to be competent to form their own fundamental laws. I am willing to trust them—they generally do right; and if they should fail to do so, they must abide the resulting consequences. I am unwilling to interfere with that which I regard as their inherent right.

The true doctrine is, in *my* humble judgment, total non-interference by Congress with local institutions. I do not mean by that the non-action doctrine of the Administration. The people who inhabit territories should have the right to decide upon the character of their domestic institutions, without the intervention of Congress. This, sir, is the doctrine of the Democratic party; it was the doctrine of that party in 1848, and was promulgated from high places, as well as from the stump and elsewhere; and I can see no good reason for departing from it now, when the application of the principle would seem to be so appropriate and salutary. Sir, every departure from principle must necessarily produce its penalty.

If I mistake not, Mr. Chairman, until the adoption of the Missouri compromise line, those who administered the Government adhered to that principle in reference to the institution of slavery; and that being conceived in the same spirit in which the Constitution was adopted, it was doubtless regarded as no infringement upon it. I say they were careful, up to that time, to guard and preserve the original character of the slave institution. Congress had not until then attempted to extend or inhibit it in the territories belonging to the General Government, but had refrained from all legislation on the subject, thereby preserving it from anything like the odor of nationality. Missouri was a part of the Louisiana territory, where slavery existed by virtue of law when we purchased it from France. One of the conditions of that purchase was, that the people of the territory should be protected in all the rights which they enjoyed under and by virtue of laws previously existing, and then in force over the territory. The right of property in slaves was one of those rights, and the General Government was bound to sustain it. If, when Missouri presented herself for admission, the people of the North had demanded that she should, as a preparatory measure, and requisite, abolish slavery within her limits, and by this means violate rights which had been recognized under the former government, Congress in



its attempt to compromise the matter, by declaring that all territory north of 36° 30' should ever afterwards be free, would have, in my humble opinion, violated the treaty, and the plighted faith of the General Government, besides inflicting a wrong on those who were interested in slave property residing within the limits of the territory. This, however, was not done; not a dollar's worth of slave property was disturbed, or the rights of a single slaveholder in anywise changed, or altered; but, on the contrary, their rights were recognized and amply secured and confirmed; thus preserving the local character of the institution of slavery unbroken, and fully and faithfully vindicating the character of the General Government, by not assuming powers for it, which were not expressly delegated. Sir, up to the termination of the war with Mexico, (save a small portion of territory which is included within the state of Missouri, and which, I believe, was originally slave territory, and perhaps some Indian titles which were extinguished,) not a single human being was made a slave, nor a single foot of free territory changed into slave territory, by operation of law. I repeat, sir, that such was the practice of the Government up to the close of the Mexican war. But, now, that vast acquisitions have been made of territory, wherein slavery has no legal existence, nor does it exist as a fact, for the first time in the history of the country, the claim is set up in these Halls to extend slavery over free territory; that wherever the national flag is unfurled, slavery may exist, or be established at the option of the slaveholder. Sir, I most emphatically deny any such right—I deny the existence of such a power.

But, Mr. Chairman, independent of any objection based upon constitutional grounds, which has been, or may be hereafter urged, as to the power of Congress over the subject of slavery, either establishing or abolishing it, there exist others which may be found in the laws of reason, the rules of expediency and well directed discretion which should prevail, and, as I think, dictate the necessity of opposing every assumed appearance of an attempt to give it a character or complexion which did not originally belong to it.

The opposing interests of the different sections of the Union, diversified as they are; the sectional prejudices which pervade the land, should serve to direct the future action of Congress, so as to avoid all legislation on this most exciting topic. Sir, viewing the various and conflicting interests, in connection with sectional jealousy incident to the present condition of things, it should admonish all of the impracticability of the exercise of legislative powers, and the necessity of a rigid adherence to the design of our political organization in connection with our peculiar relations. And above all things which may be done here in these Halls, we should not by any strained or perverted construction, or application which might be given to the Constitution of our country, convert it into an engine, to be exercised through the power of the Government, to foster the institution of slavery, which has assumed such an embarrassing attitude. I am well aware that individuals differ—differ honestly—as to legal and constitutional rights; and as each for himself has taken the oath required, each must construe for himself the instrument he has sworn to support.

Conscientious differences of opinion will always

prevail among men, and an honest and faithful devotion to the discharge of the duties of their stations, can only serve to convince them, as well as others, that all minds are not alike constituted.

Let me say, in conclusion, Mr. Chairman, though my apprehensions have not been much excited, on the subject of a dissolution of the Union, yet I deem it to be the duty of all rational men of all parties throughout the country, to aid by their acts of moderation, in averting the evils which would be so disastrous to our common Union.

Sir, we cannot but view with regret, the character of the various memorials, resolutions of instruction, and requests, emanating from the Legislatures of many of the States, both north and south, introducing the fire-brand of slavery into the different halls of legislation throughout the Union. Sir, it is not to be wondered at, that clouds should be gathering around the Capitol of the Nation. It is high time that such unwise and fanatic amusements should be discountenanced. Sir, this thing of sectional attachments, and local pride, and I might add political maneuvering are becoming the bane of this country. When shall such a spirit cease to exist, or the threatening storm be averted? Not so long as Congress continues to tamper with the subject by affording "aid and comfort" to the ultras. Whenever Congress will assume the attitude and settle down upon the firm basis of non-intervention, thereby acknowledging the right and capacity of the people to govern themselves, this sectional agitation will cease; those who have been feasting upon the humbug of extension and non-extension of slavery, over territory free by the laws prevailing over the conquered country, will have to seek for more substantial and nourishing food to subsist upon. Before the United States Bank received the forbidding stroke from the illustrious Jackson, a large portion of the country, if I have any recollection on the subject, was excited by the flattering political prospects growing out of the alarming cry of ruin, ruin, ruin. It afforded a theme for ambitious aspirants to play upon, until they were overcome by that firm, decided, and patriotic statesman. So it is with the question of slavery; many seem to subsist upon the excitement growing out of it, and they doubtless fear that they may perish with the smothered flame. I believe, sir, that it is a well-known fact, that the extremists on both sides, do not desire that this excitement should be stayed. Hence they oppose a compromise. And this, sir, may afford some who are opposed to it a reason to believe they are in error; they may find in the fact that this class of persons to which I have just referred, are opposed to compromise, the most cogent reason of all others for their supporting it. Sir, the whole country should wish, and doubtless do, for a termination of this profitless struggle.

Sir, the tenor of the petitions which have been sent up here, and introduced principally in the other end of the Capitol, would seem to indicate, that the Constitution of our Republic is a thing of no consequence—capable of being tampered with, as though it had no binding force or power. How long shall this be encouraged and tolerated? If this controversy should continue, and a collision take place between the ultras of both sections of the Union, where shall we find moderate men to avert the consequences? I fear, sir, unless a more



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conciliatory spirit is manifested, that we may all become more or less ultra; and if so, the Union may be shaken to its centre, and perhaps produce difficulties which may pave the way for consequences most disastrous. Sir, it is time for gentlemen to pause and consider, lest a few more strides may reach the brink of the impassable gulf.

Mr. Chairman, I am fully aware, that in thus freely expressing the convictions of my mind, I will not pass unassailed by political aspirants and demagogues in my own vicinity, who can assume as many faces and different positions as

may suit their purposes to effect their mischievous designs. But be it so. I have but one path to pursue in the discharge of my sworn duty, and in doing so, I cannot be swerved or deterred from a deliberate purpose to do what I conceive to be right, from any anticipations of the future. The part I have taken in this discussion, is the result of a solemn conviction of what I have considered to be my duty. It is due to my constituents that they should know my sentiments. It is but fair in me to avow them; and I have done so, without concealment or disguise.

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